

## ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE**

### ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-117-24-1) FROM S-1 (RANCH OR FARM RESIDENCE) TO C-2 HGT/WVR DNS/WVR (INTERMEDIATE COMMERCIAL, HEIGHT WAIVER, DENSITY WAIVER).

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of a 13.17-acre site located at the northeast corner of 17th Avenue and Happy Valley Road in a portion of Section 6, Township 4 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "S-1" (Ranch or Farm Residence) to "C-2 HGT/WVR DNS/WVR" (Intermediate Commercial, Height Waiver, Density Waiver).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B."

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

violation of which shall be treated in the same manner as a violation of the City of

Phoenix Zoning Ordinance:

1. The development shall be in general conformance with the site plan date stamped September 24, 2024, as modified by the following stipulations and approved by the Planning and Development Department.
2. The development shall be in general conformance with the elevations date stamped September 3, 2024, as modified by the following stipulations and approved by the Planning and Development Department.
3. The R-5 Planned Residential Development Option shall be used for the development.
4. The site shall be limited to a maximum of 400 units.
5. The landscape setback along 17th Avenue shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant trees, planted 20 feet on center, or in equivalent groupings, as approved by the Planning and Development Department.
6. Trees located within the landscape area along Happy Valley Road, outside the utility easement area, shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant trees, planted 20 feet on center, or in equivalent groupings, as approved by the Planning and Development Department.
7. The applicant shall utilize the Sonoran Boulevard Development Standards for Happy Valley Road for development both within and adjacent to the right-of-way for Happy Valley Road, except that sidewalks shall not meander as approved by the Planning and Development Department.
8. All bicycle infrastructure shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department.
9. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along Happy Valley Road and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement, in accordance with the MAG supplemental detail and as approved or modified by the Planning and Development Department.
10. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.

11. The developer shall submit a Traffic Impact Analysis (TIA) prior to City Council action and receive final acknowledgement of receipt prior to preliminary site plan approval. The developer shall comply with their determined proportionate share of street improvements or stipulations pursuant to the final TIA, as agreed to by the Street Transportation Department.
12. An updated Traffic Impact Analysis shall be required for proposals of commercial development, as required by the Street Transportation Department.
13. A minimum 70 feet of right-of-way shall be dedicated and constructed for the north half of Happy Valley Road. Right-of-way construction shall include a 24-foot wide median, as approved by the Street Transportation Department.
14. A minimum 6-foot-wide detached sidewalk separated by a minimum 10-foot-wide landscape area shall be constructed on the north side of Happy Valley Road, adjacent to the development. The landscape area shall be planted to achieve a minimum of 75% live coverage, as approved by the Planning and Development Department.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

15. A total of 30 feet of right-of-way shall be dedicated for the east half of 17th Avenue, or as approved by the Planning and Development Department.
16. A minimum 6-foot-wide detached sidewalk separated by a minimum 8-foot-wide landscape area shall be constructed on the east side of 17th Avenue, adjacent to the development, or as otherwise approved by the Planning and Development Department. The landscape area shall be planted with minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant trees planted 20 feet on center, or in equivalent groupings, and shrubs, accents, and vegetative groundcovers with a maximum mature height of two feet to achieve a minimum of 75% live coverage, as approved by the Planning and Development Department.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

17. A minimum of two pedestrian connections shall be provided on the southern site boundary to allow for direct pedestrian access to the adjacent Happy Valley Road multi-use trail. Each pedestrian connection shall include an 8-foot-wide shaded pedestrian pathway consisting of decorative material such as brick, pavers or an alternative material, as approved by the Planning and Development Department.
18. All existing electrical utilities 12 kv and smaller within the public right-of-way shall

be undergrounded, adjacent to the development. The developer shall coordinate with the affected utility companies for their review and permitting.

19. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
20. Bicycle parking shall be provided at a minimum rate of 0.25 spaces per unit, up to a maximum of 50 spaces shall be provided through Inverted U and/or artistic racks and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance, or through secure parking storage area/s, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
21. A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
22. A bicycle repair station ("fix it station") shall be provided on the site. The station shall include but not be limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike, as approved by the Planning and Development Department.
23. A minimum of 5% of the required parking spaces shall include Electric Vehicle (EV) Installed Infrastructure, as approved by the Planning and Development Department.
24. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
25. Natural turf shall only be utilized for required retention areas (bottom of basin, and only allowed on slopes if required for slope stabilization) and functional turf areas, as approved by the Planning and Development Department.
26. A leak detection device shall be installed for the irrigation system in landscape/open space areas larger than 10,000 square feet.
27. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.

28. Pressure regulating sprinkler heads and drip lines shall be utilized in any turf areas to reduce water waste.
29. A minimum of 25% of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.
30. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the Water Efficiency Checkup Program for a minimum of 10 years, or as approved by the Planning and Development Department.
31. A minimum of two green stormwater infrastructure (GSI) elements for stormwater management shall be implemented, as approved or modified by the Planning and Development and/or Street Transportation departments. This includes but is not limited to stormwater harvesting basins, bioswales, permeable pavement, etc., per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management.
32. The property owner shall record documents that disclose the existence, and operational characteristics of Deer Valley Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
33. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
34. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 5th day of February,  
2025.

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MAYOR

ATTEST:

\_\_\_\_\_  
Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Julie M. Kriegh, City Attorney

By:  
\_\_\_\_\_  
\_\_\_\_\_

REVIEWED BY:

\_\_\_\_\_  
Jeffrey Barton, City Manager

Exhibits:  
A – Legal Description (3 Pages)  
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-117-24-1

15TH AVENUE AND HAPPY VALLEY ROAD

THE GENERAL BOUNDARIES OF THIS AREA INCLUDE APN 210-10-028C LOCATED IN THE VICINITY OF 15TH AVE AND HAPPY VALLEY ROAD AND ALL OF THE AREA ENCOMPASSED BY THE LINES DESCRIBED HEREIN BEING WITHIN THE COUNTY OF MARICOPA, STATE OF ARIZONA.

THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, EXCEPT THE SOUTH 40, FEET, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER (CITY OF PHOENIX BRASS CAP IN HANDHOLD) OF SAID SECTION 6, FORM WHICH THE SOUTH QUARTER CORNER (MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP FLUSH) OF SAID SECTION 6 BEARS NORTH 89 DEGREES 19 MINUTES 07 SECONDS EAST A DISTANCE OF 2647.18 FEET;

THENCE NORTH 89 DEGREES 19 MINUTES 07 SECONDS EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1948.76 FEET TO THE SOUTHWEST CORNER OF SAID WEST HALF;

THENCE NORTH 01 DEGREES 16 MINUTES 10 SECONDS WEST ALONG THE WEST LINE OF SAID WEST HALF A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 40.00 FEET OF SAID WEST HALF, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE NORTH 01 DEGREES 16 MINUTES 10 SECONDS WEST ALONG THE WEST LINE OF SAID WEST HALF A DISTANCE OF 620.36 FEET TO THE NORTHWEST CORNER OF SAID WEST HALF;

THENCE NORTH 89 DEGREES 20 MINUTES 48 SECONDS EAST ALONG THE NORTH LINE OF SAID WEST HALF A DISTANCE OF 346.70 FEET TO THE NORTHEAST CORNER OF SAID WEST HALF;

THENCE SOUTH 01 DEGREES 29 MINUTES 13 SECONDS EAST ALONG THE EAST LINE OF SAID WEST HALF A DISTANCE OF 620.22 FEET TO SAID NORTH LINE OF THE SOUTH 40.00 FEET;

THENCE SOUTH 89 DEGREES 19 MINUTES 07 SECONDS WEST ALONG SAID LAST NORTH LINE A DISTANCE OF 349.06 FEET TO THE POINT OF BEGINNING

## 17TH AVENUE AND HAPPY VALLEY ROAD

THE GENERAL BOUNDARIES OF THIS AREA INCLUDE APNS 210-10-005 & 210-10-013B LOCATED IN THE VICINITY OF 17TH AVE AND HAPPY VALLEY ROAD AND ALL OF THE AREA ENCOMPASSED BY THE LINES DESCRIBED HEREIN BEING WITHIN THE COUNTY OF MARICOPA, STATE OF ARIZONA.

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER ALL OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, EXCEPT THE SOUTH 40 FEET, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER (CITY OF PHOENIX BRASS CAP IN HANDHOLE) OF SAID SECTION 6, FROM WHICH THE SOUTH QUARTER (MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP FLUSH) OF SAID SECTION 6 BEARS NORTH 89 DEGREES 19 MINUTES 07 SECONDS EAST A DISTANCE 2647.18 FEET;

THENCE NORTH 89 DEGREES 19 MINUTES 07 SECONDS EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1250.34 FEET TO THE SOUTHWEST CORNER OF SAID SOUTH HALF;

THENCE NORTH 00 DEGREES 50 MINUTES 04 SECONDS EAST ALONG THE WEST LINE OF SAID SOUTH HALF A DISTANCE OF 40.00 FEET TO THE NORTH LINE OF THE SOUTH 40.00 FEET OF SAID SOUTH HALF, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 50 MINUTES 04 SECONDS EAST ALONG THE WEST LINE A DISTANCE OF 290.33 FEET TO THE NORTHWEST CORNER OF SAID SOUTH HALF;

THENCE NORTH 89 DEGREES 19 MINUTES 57 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTH HALF A DISTANCE OF 347.96 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER;

THENCE NORTH 01 DEGREES 03 MINUTES 07 SECONDS WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 330.25 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER;



THENCE NORTH 89 DEGREES 20 MINUTES 48 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 346.78 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER;

THENCE SOUTH 01 DEGREES 16 MINUTES 10 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER AND SAID SOUTH HALF A DISTANCE OF 620.36 FEET TO SAID NORTH LINE OF THE SOUTH 40.00 FEET;

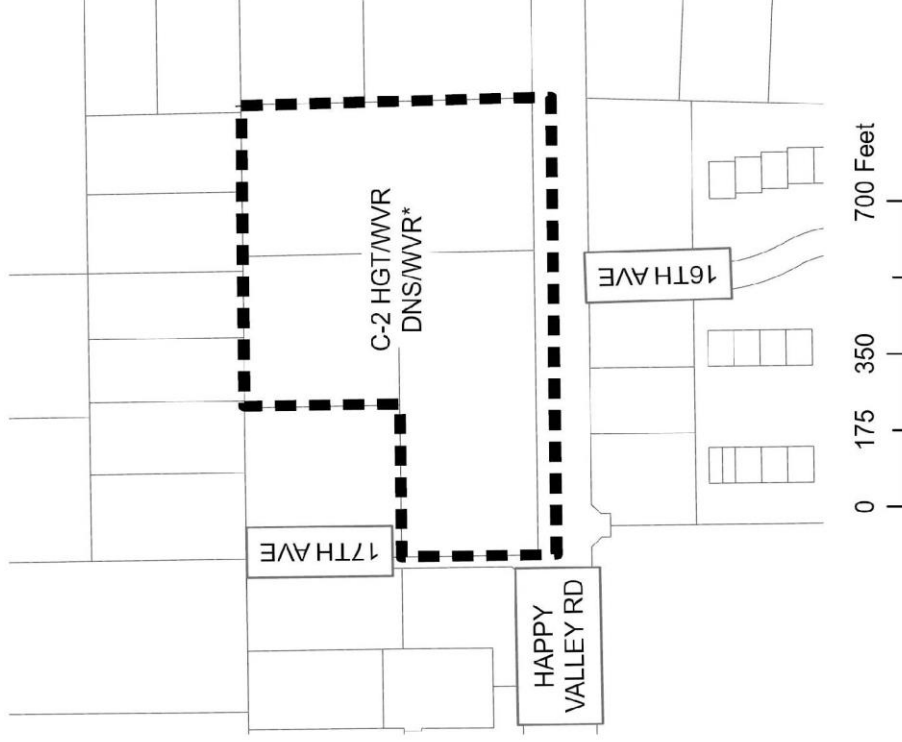
THENCE SOUTH 89 DEGREES 19 MINUTES 07 SECONDS WEST ALONG LAST SAID SOUTH NORTH LINE A DISTANCE OF 698.12 FEET TO THE POINT OF BEGINNING.

# ORDINANCE LOCATION MAP

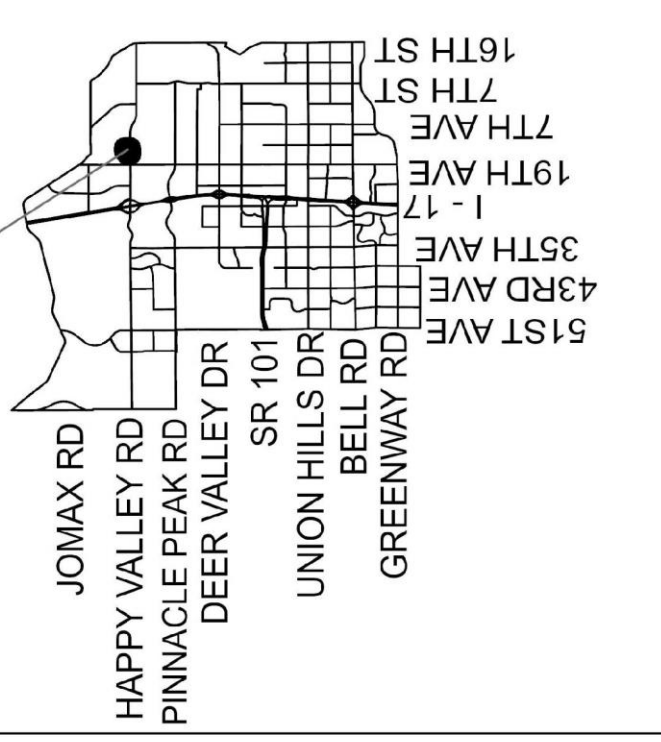
EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: - - - - -



Z-117-24-1



NOT TO SCALE



Drawn Date: 1/6/2025